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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/600,265	06/20/2003	Steven Reed Love	40302.1USU1	7495
23552	7590	08/11/2005	EXAMINER	
MERCHANT & GOULD PC P.O. BOX 2903 MINNEAPOLIS, MN 55402-0903			GREEN, BRIAN	
			ART UNIT	PAPER NUMBER

3611

DATE MAILED: 08/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/600,265

Applicant(s)

LOVE ET AL.

Examiner

Brian K. Green

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 25 July 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 June 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Allowable Subject Matter***

The indicated allowability of claims 1,4,6,12, and 13 is withdrawn in view of the newly discovered reference(s) to Gouldson et al. (U.S. Patent No. Re. 36,873) and Gouldson (US Pub. No. 2001/0015361). Rejections based on the newly cited reference(s) follow. The after final amendment filed on July 25, 2005 has been entered.

### ***Drawings***

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the support defined in claim 1 (if the applicant is referring to the wall) and the support surface defined in claim 6 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will

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be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 112***

Claims 1-14 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1, line 2, it is not clear which element represents the “support” in the phrase “a support arm having a first end attached to a support”, i.e. is the applicant referring to the pivot rod (110), the brackets (104), or the wall. In claim 6, line 2, it is not clear whether the support surface is the same as the support defined in claim 1.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1,2,4,6,12, and 13 are rejected under 35 U.S.C. 102(b) as being anticipated by Gouldson et al. (U.S. Patent No. Re. 36,873).

Gouldson et al. shows in figure 1 a support arm (the horizontal portion of element 20) having a first end (the end adjacent to the lead line for numeral 44 in figure 1) attached to a support (46 and the structure directly adjacent to 46, element 46 is considered to be a “support” since it is capable of supporting an item) and a second end extending horizontally from the support, a

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fabric arm having a main segment (the upper horizontal arm of 36, see figure 1) having a rear end fixedly attached to the first end of the support arm and a front end that extends forward from the rear end along one side of the support arm, a reverse bend (the portion adjacent the lead line for numeral 36 in fig. 1), at the front end of the fabric arm, wherein the reverse bend extends inwardly from the main segment toward the support arm, and a bend arm (the lower horizontal arm of 36, see figure 1) that extends substantially rearward from the reverse bend between the main segment and the support arm, wherein the bend arm is not fixedly attached to the support arm, and wherein the bend arm laterally spaces the main segment of the fabric arm from the support arm to provide clearance "for" loading a portion of the fabric sheet between the main segment of the fabric arm and the support arm. In regard to claim 2, the main segment of the fabric arm is longer than the bend arm and as broadly defined is considered to be "substantially longer". In regard to claim 4, as broadly defined, the bend arm is attached to the support arm through the reverse bend and fabric arm and is considered to be attached in a manner that does not damage a fabric sheet. In regard to claim 6, as broadly defined, Gouldson et al. shows in figure 1 that the entire device is mounted to a support surface (a rod) and the entire device can pivot on the support surface because of the hook portion (12). In claims 12 and 13, Gouldson et al. shows in figure 1 a second fabric arm having a main segment (the lower horizontal arm of 38, see figure 1) having a rear end fixedly attached to the first end of the support arm and a front end that extends forward from the rear end along one side of the support arm, a reverse bend (the portion adjacent the lead line for numeral 38 in fig. 1), at the front end of the fabric arm, wherein the reverse bend extends inwardly from the main segment toward the support arm, and a bend

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arm (the upper horizontal arm of 38, see figure 1) that extends substantially rearward from the reverse bend between the main segment and the support arm.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-4,6,12, and 13 are rejected under 35 U.S.C. 102(e) as being anticipated by Gouldson (U.S. Publication No. 2001/0015361).

Gouldson shows in figure 1 a support arm (the horizontal portion of 14) having a first end (the end adjacent to the lead line for numeral 18) attached to a support (30, and the structure directly adjacent to 30, element 30 is considered to be a "support" since it is capable of supporting an item) and a second end extending horizontally from the support, a fabric arm having a main segment (the lower arm of 32) having a rear end fixedly attached to the first end of the support arm and a front end that extends forward from the rear end along one side of the support arm, a reverse bend (the curved portion of 32) at the front end of the fabric arm, wherein the reverse bend extends inwardly from the main segment toward the support arm, and a bend arm (the upper arm of 32) that extends substantially rearward from the reverse bend between the main segment and the support arm, wherein the bend arm is not fixedly attached to the support arm, and wherein the bend arm laterally spaces the main segment of the fabric arm from the support arm to provide clearance "for" loading a portion of the fabric sheet between the main segment of the fabric arm and the support arm. In regard to claims 2 and 3, the main segment of the fabric arm is substantially longer than the bend arm and the bend arm is considered to be

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“approximately” 20-30 percent of the length of the main segment. In regard to claim 4, as broadly defined, the bend arm is attached to the support arm through the reverse bend and fabric arm and is considered to be attached in a manner that does not damage a fabric sheet. In regard to claim 6, as broadly defined, it is well known that the hanger device (12) connects the entire assembly pivotally to a supporting surface, i.e. a rod. In claims 12 and 13, Goldman shows in figure 1 a second fabric arm having a main segment (36) having a rear end fixedly attached to the first end of the support arm and a front end that extends forward from the rear end along one side of the support arm, a reverse bend (adjacent the lead line for numeral 40 in fig. 1) at the front end of the fabric arm, wherein the reverse bend extends inwardly from the main segment toward the support arm, and a bend arm (38) that extends substantially rearward from the reverse bend between the main segment and the support arm.

### ***Response to Arguments***

Applicant's arguments with respect to claims 1-14 have been considered but are moot in view of the new ground(s) of rejection.

### ***Allowable Subject Matter***

Claims 5,7-11, and 14 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian K. Green whose telephone number is (571) 272-6644. The examiner can normally be reached on M-F 7am-3:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lesley Morris can be reached on (571) 272-6651. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
BRIAN K. GREEN  
PRIMARY EXAMINER

Bkg  
Aug. 9, 2005